THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.4363 OF 2006

Dt.7.3.2006

Between:

Kuraku Sambasiva Rao … Petitioner

And

The Secretary (Revenue), State of Andhra Pradesh,

Secretariat Buildings, Hyderabad and 3 others. … Respondents

ORDER:

The petitioner questions the action of the respondents in proposing to demolish the petitioner's building bearing Door No.6/151 to 6/154, Fort Road and Kennedy Road, Machilipatnam, Krishna District, in which the petitioner is having shopping complex, without giving any notice and without following due process of law, which is illegal and arbitrary.

The case of the petitioner is that he is the owner of the property bearing Municipal door No.6/151 to 6/154 situated in Fort Road as well as Kennedy Road, Machilipatnam, Krishna District, which is purchased by him under two registered sale deeds dated 3.10.1991

and 21.6.1993. It is stated that a decision has been taken to widen certain roads at Machilipatnam and in that process respondents 2 to 4 are threatening to demolish certain portion of the said property and dispossess the petitioner without following the due process of law. It is stated that the property of the petitioner cannot be demolished under the guise of widening of roads.

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Revenue.

No doubt, the widening of the road is in the interest of the public and the petitioner cannot have any objection for widening of the road. When the property is required for public purpose viz., widening of roads or for any other purpose, the authorities straightaway cannot take the law into their hands and attempt to evict the occupants or dispossess or demolish their property. The respondents are required to acquire the said land and structure either by way of private negotiations or by way of initiating land acquisition proceedings.

Having regard to the facts and circumstances of the case, the respondents are directed not to demolish any portion of the building of the petitioner bearing door No.6/151 to 6/154, Fort Road and Kennedy Road, Machilipatnam, Krishna District or dispossess the petitioner from the said property without following the due process of law.

The writ petition is accordingly disposed of. No order as to costs.

(V.ESWARAIAH, J.)

7.3.2006

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